SENATE BILL No. 411

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DIGEST OF SB 411 (Updated January 20, 2004 4:48 pm - DI 102)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 3-12; IC 20-4; IC 33-2.1; IC 33-4; IC 33-5; IC 33-5.1; IC 33-10.5.

Synopsis: Ballot form. Establishes a ballot form that lists candidates by office for optical scan and electronic voting systems. Provides that references to punch card ballots expire December 31, 2005, because the use of punch card ballots is prohibited after that date. Removes references to ballot card and electronic voting systems in provisions that only apply to paper ballots. Requires that certain features of an electronic voting system concerning the verification or correction of a voter's ballot apply after December 31, 2005.

Effective: Upon passage.

Lawson C

January 12, 2004, read first time and referred to Committee on Elections and Civic Affairs.
January 22, 2004, amended, reported favorably — Do Pass.

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SB 411—LS 7230/DI 102+

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 411

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 3-5-2-8.7 IS ADDED TO THE INDIANA CODE
2   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3   UPON PASSAGE]: **Sec. 8.7. (a) "Chad" means the part of a ballot**
4   **card that indicates a vote on the card when entirely punched out by**
5   **the voter.**
6   **(b) This section expires December 31, 2005.**
7   SECTION 2. IC 3-5-2-34.7 IS ADDED TO THE INDIANA CODE
8   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
9   UPON PASSAGE]: **Sec. 34.7. (a) "Paper ballot" refers to a ballot**
10   **that is:**
11   **(1) marked by a voter using a pen or pencil; and**
12   **(2) designed to be counted by hand and not counted on an**
13   **automatic tabulating machine.**
14   **(b) "Paper ballot" does not include a ballot card.**
15   SECTION 3. IC 3-10-1-13, AS AMENDED BY P.L.66-2003,
16   SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17   UPON PASSAGE]: Sec. 13. **(a)** The primary election paper ballots,
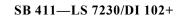
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and ballot cards, **and ballot labels** of each political party must be of
uniform size and of the same quality paper as the paper ballots, and
ballot cards, **and ballot labels** used at the general election.

    (b) The paper ballots and ballot cards must be distinctively marked
or be of a different color so that the ballots of each party are easily
distinguishable.

    (c) This subsection applies to all voting systems. All the
candidates representing one (1) party shall be placed on one (1) ticket
with the name of the party placed at the top **or beginning of the ballot**
in the form prescribed by section 19 of this chapter.

    SECTION 4. IC 3-10-1-15 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a)** Each
political party holding a primary election shall have a separate ticket,
either in printed ballot form as prescribed by sections 13 and 14 of this
chapter, or on separate **ballot cards or** ballot labels.

    (b) Except as provided in subsection (c) or (d), the name of each
candidate who has qualified under IC 3-8 shall be placed on the ballot
under a designation of the office for which the person is a candidate.
However,

    **(c) This subsection applies to a punch card ballot and expires
December 31, 2005. The name of each candidate who has qualified
under IC 3-8 shall be placed on the ballot and indicated by
reference to a number printed on the punch card.**

    **(d) This subsection applies to an optical scan ballot card voting
system that does not list the name of a candidate on the ballot card.
The name of each candidate who has qualified under IC 3-8 shall
be placed on the ballot and indicated by reference to a number
printed on the optical scan ballot card.**

    (e) The name of a candidate may not appear on the ballot of more
than one (1) party for the same office.

    SECTION 5. IC 3-10-1-17, AS AMENDED BY P.L.176-1999,
SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 17. Political parties may be distinguished in
a primary election by the use of different color **paper ballots, ballot
cards, or** ballot labels. The party name shall be placed before the list
of candidates of the party.

    SECTION 6. IC 3-10-1-19 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot
for a primary election shall be printed in substantially the following
form for all the offices for which candidates have qualified under
IC 3-8:

                    OFFICIAL PRIMARY BALLOT

1   _____ Party

2   **For paper ballots, print:** To vote for a person make a voting mark

3   (X or   ) on or in the box before the person's name in the proper

4   column. **For punch card ballots, print: To vote for a person, punch**

5   **through the chad before the number assigned to the person's name**

6   **in the proper column. For optical scan ballots, print: To vote for a**

7   **person, shade in the oval (or draw a line to connect the arrow) that**

8   **precedes the person's name in the proper column. For optical scan**

9   **ballots that do not contain a candidate's name, print: To vote for**

10   **a person, shade in the oval that precedes the number assigned to**

11   **the person's name in the proper column. For electronic voting**

12   **systems, print: To vote for a person touch the screen (or press the**

13   **button) in the location indicated.**

14   Vote for one only

15   Representative in Congress

16   [] (1) AB_____

17   [] (2) CD_____

18   [] (3) EF _____

19   [] (4) GH_____

20   (b) The offices with candidates for nomination shall be placed on

21   the primary election ballot in the following order:

22   (1) Federal and state offices:

23   (A) President of the United States.

24   (B) United States Senator.

25   (C) Governor.

26   (D) United States Representative.

27   (2) Legislative offices:

28   (A) State senator.

29   (B) State representative.

30   (3) Circuit offices and county judicial offices:

31   (A) Judge of the circuit court, and unless otherwise specified

32   under IC 33, with each division separate if there is more than

33   one (1) judge of the circuit court.

34   (B) Judge of the superior court, and unless otherwise specified

35   under IC 33, with each division separate if there is more than

36   one (1) judge of the superior court.

37   (C) Judge of the probate court.

38   (D) Judge of the county court, with each division separate, as

39   required by IC 33-10.5-4-2.

40   (E) Prosecuting attorney.

41   (F) Clerk of the circuit court.

42   (4) County offices:

1	(A) County auditor.
2	(B) County recorder.
3	(C) County treasurer.
4	(D) County sheriff.
5	(E) County coroner.
6	(F) County surveyor.
7	(G) County assessor.
8	(H) County commissioner.
9	(I) County council member.
10	(5) Township offices:
11	(A) Township assessor.
12	(B) Township trustee.
13	(C) Township board member.
14	(D) Judge of the small claims court.
15	(E) Constable of the small claims court.
16	(6) City offices:
17	(A) Mayor.
18	(B) Clerk or clerk-treasurer.
19	(C) Judge of the city court.
20	(D) City-county council member or common council member.
21	(7) Town offices:
22	(A) Clerk-treasurer.
23	(B) Judge of the town court.
24	(C) Town council member.
25	(c) The political party offices with candidates for election shall be
26	placed on the primary election ballot in the following order after the
27	offices described in subsection (b):
28	(1) Precinct committeeman.
29	(2) State convention delegate.
30	(d) The following offices and public questions shall be placed on the
31	primary election ballot in the following order after the offices described
32	in subsection (c):
33	(1) School board offices to be elected at the primary election.
34	(2) Other local offices to be elected at the primary election.
35	(3) Local public questions.
36	(e) The offices and public questions described in subsection (d)
37	shall be placed:
38	**(1)** in a separate column on the ballot if voting is by paper ballot;
39	**(2) after the offices described in subsection (c) in the form**
40	**specified in IC 3-11-13-11 if voting is by** ballot card; voting
41	system, or
42	**(3) either:**

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1   **(A) on a separate screen for each office or public question;**
2   **or**
3   **(B) after the offices described in subsection (c) in the form**
4   **specified in IC 3-11-14-3.5;**
5   **if voting is by an** electronic voting system; or
6   **(4)** in a separate column of ballot labels if voting is by voting
7   machine.
8   (f) A public question shall be placed on the primary election ballot
9 in the following form:
10   (The explanatory text for the public question,
11   if required by law.)
12   "Shall (insert public question)?"
13   [] YES
14   [] NO
15   SECTION 7. IC 3-10-1-19.7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.7. The ballot for
17 a primary election is not required to contain the information set forth
18 under IC 3-11-2-10, **IC 3-11-13-11, or IC 3-11-14-3.5** concerning:
19   (1) write-in voting; or
20   (2) independent candidates or tickets;
21 except when an office for which write-in candidates or independent
22 candidates or tickets are permitted is elected at the same time as the
23 primary election.
24   SECTION 8. IC 3-10-1-26 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) **This**
26 **section applies only to paper ballots.**
27   **(b)** After marking a paper ballot a voter shall fold each ballot
28 separately in a manner that its face will be concealed and the initials of
29 the poll clerks or assistant poll clerks seen.
30   ~~(b)~~ **(c)** After leaving the booth, a voter shall return the pencil to a
31 poll clerk or assistant poll clerk and display the initials on each ballot
32 to the inspector.
33   ~~(c)~~ **(d)** If a voter offers to vote a ballot folded so that it does not
34 disclose the initials of the poll clerks or assistant poll clerks while also
35 not disclosing the face of the ballot, the precinct election board shall
36 direct the voter to return to the booth and fold the ballot properly.
37   ~~(d)~~ **(e)** After properly displaying the initials on the ballot, the voter
38 then shall:
39   (1) deposit the ballot in the ballot box; or
40   (2) at the voter's option return the ballot to the inspector, who
41   shall deposit it in the ballot box.
42   ~~(e)~~ **(f)** The poll clerk or assistant poll clerk shall then place a voting

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1   mark opposite the voter's name on the poll list. The voter then shall
2   leave the polls.
3   SECTION 9. IC 3-10-4-1 IS AMENDED TO READ AS FOLLOWS
4   [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The names of the
5   candidates of:
6   (1) a political party;
7   (2) a group of petitioners under IC 3-8-6; or
8   (3) a write-in candidate for the office of President or Vice
9   President of the United States under ~~IC 3-8-2-1.5;~~ **IC 3-8-2-2.5;**
10 for electors of President and Vice President of the United States may
11 not be placed on the ballot.
12   (b) The names of the nominees for President and Vice President of
13 the United States of each political party or group of petitioners shall be
14 placed:
15   (1) in one (1) column on the ballot if paper ballots ~~or a ballot card~~
16   ~~voting system is~~ **are** used;
17   (2) on one (1) ballot label in one (1) column or row if voting
18   machines are used; ~~or~~
19   (3) ~~in a separate column on the ballot label~~ **either:**
20   **(A) grouped together on a separate screen; or**
21   **(B) grouped together below the names of the offices as**
22   **specified in IC 3-11-14-3.5;**
23   if an electronic voting system is used; **or**
24   **(4) grouped together below the names of the offices as**
25   **specified in IC 3-11-13-11 if a ballot card is used.**
26   (c) The name of each write-in candidate for the office of President
27 or Vice President of the United States shall be placed as provided
28 under IC 3-11-2-6.
29   SECTION 10. IC 3-10-4-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~If~~ **This**
31 **section applies when** paper ballots ~~or a ballot card voting system is~~
32 **are** used.
33   **(b)** A single square shall be printed in front of a bracket enclosing
34 the names of the nominees for President and Vice President of the
35 United States on the left margin of each separate column of the ballot,
36 immediately opposite the names of the nominees.
37   ~~(b)~~ **(c)** The device named and list of nominees of the political party
38 whose nominee received the highest number of votes in that county for
39 secretary of state at the last election shall be placed in the first column
40 on the left side of the ballot. ~~if paper ballots or a ballot card voting~~
41 ~~system is used or, if voting machines or an electronic voting system is~~
42 ~~used, in the first column or row.~~ The political party whose nominee

1 received the second highest number of votes in that county for
2 secretary of state at the last election shall be placed in the second
3 column. ~~or row.~~ Other political parties shall be placed on the ballot in
4 the same order.
5 ~~(c)~~ **(d)** If a political party or an independent ticket did not have a
6 candidate for secretary of state in the last election, the party or ticket
7 shall be placed on the ballot after the parties described in subsection
8 ~~(b).~~ **(c).** If more than one (1) political party or independent ticket that
9 has qualified to be on the ballot did not have a candidate for secretary
10 of state in the last election, each party or independent ticket shall be
11 listed on the ballot in the order in which the party or independent ticket
12 filed a petition of nomination under IC 3-8-6-12.
13 SECTION 11. IC 3-10-4-2.1 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: **Sec. 2.1. (a) This section applies when an optical**
16 **scan ballot card is used.**
17 **(b) A single connectable arrow, oval, or square must be printed:**
18 **(1) in front of a bracket enclosing; and**
19 **(2) immediately opposite;**
20 **the names of the nominees for President and Vice President of the**
21 **United States for each political party or group of petitioners**
22 **grouped as described in section 1(b)(4) of this chapter.**
23 **(c) The nominees for President and Vice President of the United**
24 **States must be grouped under the names of the offices in the order**
25 **established by IC 3-11-13-11.**
26 SECTION 12. IC 3-10-4-2.2 IS ADDED TO THE INDIANA CODE
27 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: **Sec. 2.2. (a) This section applies when an**
29 **electronic voting system is used.**
30 **(b) A single touch sensitive point or button place must be**
31 **provided:**
32 **(1) in front of a bracket printed on the ballot label enclosing;**
33 **and**
34 **(2) immediately opposite;**
35 **the names of the nominees for President and Vice President of the**
36 **United States for each political party or group of petitioners**
37 **grouped as described in section 1(b)(3) of this chapter.**
38 **(c) The nominees for President and Vice President of the United**
39 **States must be grouped under the names of the offices in the order**
40 **established by IC 3-11-14-3.5.**
41 SECTION 13. IC 3-10-4-2.3 IS ADDED TO THE INDIANA CODE
42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: **Sec. 2.3. (a) This section applies when a punch card ballot is used.**

(b) A chad must be printed immediately opposite the number assigned to the names of the nominees for President and Vice President of the United States for each political party or group of petitioners as described in section 1(b)(4) of this chapter.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.

(d) This section expires December 31, 2005.

SECTION 14. IC 3-10-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.

(b) The town election board and its precinct election officers shall perform the duties of the county election board and its precinct election officers under IC 3-11 for each voting method used.

(c) The town election board shall prepare the ballots in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and distribute them to the precincts in the town.

(d) **This subsection applies only to paper ballots.** Notwithstanding subsection (c), the town election board, by unanimous consent of the board's entire membership, may authorize the printing or reproduction of ballots on equipment under the control of the town clerk-treasurer. If the town election board acts under this subsection, the ballots are not required to conform to the precise dimensions concerning the size of political party devices under IC 3-11-2-9 or the placement of a candidate's name under IC 3-11-2-10(e). However, the ballots must otherwise substantially conform with IC 3-11-2.

SECTION 15. IC 3-11-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) This chapter applies only to paper ballots.**

(b) This chapter does not apply to:

(1) an electronic voting system; or

(2) an optical scan voting system.

(c) This chapter does not apply to:

(1) a voting machine; or

(2) a punch card ballot voting system.

This subsection expires December 31, 2005.

SECTION 16. IC 3-11-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name

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1   or title of the political party or independent ticket shall be placed at the
2   top of the ballot. The device of the political party or independent
3   candidate shall be placed immediately under the name of the political
4   party or independent ticket. The instructions for voting a straight party
5   ticket shall be placed to the right of the device. ~~or if the ballot is part of~~
6   ~~a direct recording electronic voting system:~~
7   ~~(1) the instructions for voting a straight party ticket; and~~
8   ~~(2) the statement concerning presidential electors required under~~
9   ~~IC 3-10-4-3,~~
10   ~~may be posted in any location within the voting booth that permits the~~
11   ~~voter to easily read the instructions instead of on the ballot face.~~
12   (b) The instructions for voting a straight party ticket must conform
13   as nearly as possible to the following: "To vote a straight (insert
14   political party name) ticket for all (political party name) candidates on
15   this ballot, make a voting mark on or in this circle and do not make any
16   other marks on this ballot. If you wish to vote for a candidate seeking
17   a nonpartisan office or on a public question, you must make another
18   voting mark on the appropriate place on this ballot.".
19   (c) If the ballot contains an independent ticket and at least one (1)
20   other independent candidate, the ballot must also contain a statement
21   that reads substantially as follows: "A vote cast for an independent
22   ticket will only be counted for the candidates for President and Vice
23   President or governor and lieutenant governor comprising that
24   independent ticket. This vote will NOT be counted for any OTHER
25   independent candidate appearing on the ballot.".
26   (d) The ballot must also contain a statement that reads substantially
27   as follows: "A write-in vote will NOT be counted unless the vote is for
28   a DECLARED write-in candidate. To vote for a write-in candidate, you
29   must make a voting mark on or in the square to the left of the name you
30   have written in or your vote will not be counted.".
31   (e) Except for variations in ballot arrangement permitted for voting
32   machines under IC 3-11-12-7, ~~ballot card voting systems under~~
33   ~~IC 3-11-13-11, or electronic voting systems under IC 3-11-14-7,~~ the list
34   of candidates of the political party shall be placed immediately under
35   the instructions for voting a straight party ticket. The names of the
36   candidates shall be placed three-fourths (3/4) of an inch apart from
37   center to center of the name. The name of each candidate must have,
38   immediately on its left, a square three-eighths (3/8) of an inch on each
39   side.
40   (f) The election division or the circuit court clerk may authorize the
41   printing of ballots containing a ballot variation code to ensure that the
42   proper version of a ballot is used within a precinct.

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1   SECTION 17. IC 3-11-2-12.9, AS ADDED BY P.L.83-1999,
2   SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3   UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at
4   the general election shall be placed on the general election ballot after
5   the offices described in section 12 of this chapter.
6   (b) School board offices shall be placed in a separate column on the
7   ballot ~~or ballot label if voting is by paper ballot, ballot card voting~~
8   ~~system, or electronic voting system~~ or in a separate column of ballot
9   labels if voting is by voting machine.
10   (c) ~~This subsection applies to voting done by paper ballot or a ballot~~
11   ~~card voting system.~~ If the ballot contains a candidate for a school board
12   office, the ballot must also contain a statement that reads substantially
13   as follows: "To vote for a candidate for this office, make a voting mark
14   on or in the square to the left of the candidate's name."
15   SECTION 18. IC 3-11-2-13, AS AMENDED BY P.L.83-1999,
16   SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17   UPON PASSAGE]: Sec. 13. (a) The following offices and public
18   questions shall be placed on the general election ballot in the following
19   order after the offices described in section 12.9 of this chapter:
20   (1) Retention of a justice of the supreme court.
21   (2) Retention of a judge of the court of appeals.
22   (3) Retention of the judge of the tax court.
23   (4) Ratification of a state constitutional amendment.
24   (b) Whenever more than one (1) justice of the supreme court is
25   subject to retention, the name of each justice must appear on the ballot
26   in alphabetical order. However, if the justice serving as chief justice is
27   subject to retention, the chief justice's name must appear first.
28   (c) Whenever more than one (1) judge of the court of appeals is
29   subject to retention, the name of each judge must appear on the ballot
30   in alphabetical order. However, if the judge serving as chief judge is
31   subject to retention, the chief judge's name must appear first.
32   (d) These offices and public questions shall be placed in a separate
33   column on the ballot ~~or ballot label if voting is by paper ballot, ballot~~
34   ~~card voting system, or electronic voting system~~ or in a separate column
35   of ballot labels if voting is by voting machine.
36   SECTION 19. IC 3-11-2-14, AS AMENDED BY P.L.83-1999,
37   SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38   UPON PASSAGE]: Sec. 14. (a) The following offices and public
39   questions shall be placed on the general election ballot in the following
40   order after the offices and public questions described in section 13 of
41   this chapter:
42   (1) Retention of a local judge.

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1   (2) Local nonpartisan judicial offices.

2   (3) Local public questions.

3   (b) These offices and public questions shall be placed in a separate

4 column on the ballot ~~or ballot label if voting is by paper ballot, ballot~~

5 ~~card voting system, or electronic voting system~~ or in a separate column

6 of ballot labels if voting is by voting machine.

7   (c) If the ballot contains a candidate for a local nonpartisan judicial

8 office, the ballot must also contain a statement that reads substantially

9 as follows: "To vote for a candidate for this office, make a voting mark

10 on or in the square to the left of the candidate's name."

11   (d) If more than one (1) local public question concerning the

12 retention of a local judge is to be placed on a ballot, the public

13 questions shall be placed on the ballot:

14   (1) in alphabetical order according to the surname of the local

15   judge; and

16   (2) identifying the court (including division or room) in which the

17   judge serves.

18   SECTION 20. IC 3-11-12-3 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** Political

20 parties may be distinguished in a primary election by the use of

21 different colored ballot labels.

22   **(b)** The party device for a political party that has been adopted in

23 accordance with IC 3-8 and the party name or other designation shall

24 be prefixed to the list of candidates of the party.

25   **(c) Each county election board shall have the names of all**

26 **candidates for all elected offices, political party offices, and public**

27 **questions printed on ballot labels for use on a voting machine as**

28 **provided in this chapter.**

29   **(d) The county may include a ballot variation code to ensure**

30 **that the proper version of a ballot label is used within a precinct.**

31   **(e) Each type of ballot label or paster must be of uniform size**

32 **and of the same quality and color of paper (except as permitted**

33 **under IC 3-10-1-17).**

34   **(f) The nominees of a political party or an independent**

35 **candidate or ticket nominated by petitioners shall be listed on the**

36 **ballot label with the name and device set forth on the certification**

37 **or petition. The circle containing the device may be of any size that**

38 **permits a voter to readily identify the device. IC 3-11-2-5 applies**

39 **if the certification or petition does not include a name or device, or**

40 **if the same device is selected by two (2) or more parties or**

41 **petitioners.**

42   **(g) The ballot labels must list the offices on the general election**

1   **ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,**
2   **IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),**
3   **IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and**
4   **IC 3-11-2-14(d). Except as otherwise provided in this chapter, the**
5   **offices and public questions may be listed in a continuous column,**
6   **either vertically or horizontally. However, school board offices,**
7   **public questions concerning the retention of a justice or judge,**
8   **local nonpartisan judicial offices, and local public questions must**
9   **be placed in separate columns.**
10   **(h) The name of each office must be printed in a uniform size in**
11   **bold type. A statement reading substantially as follows must be**
12   **placed immediately below the name of the office and above the**
13   **name of the first candidate: "Vote for not more than (insert the**
14   **number of candidates to be elected) candidate(s) for this office.".**
15   **(i) Below the name of the office and the statement required by**
16   **subsection (h), the names of the candidates for each office must be**
17   **grouped together in the following order:**
18   **(1) The major political party whose candidate received the**
19   **highest number of votes in the county for secretary of state at**
20   **the last election is listed first.**
21   **(2) The major political party whose candidate received the**
22   **second highest number of votes in the county for secretary of**
23   **state is listed second.**
24   **(3) All other political parties listed in the order that the**
25   **parties' candidates for secretary of state finished in the last**
26   **election are listed after the party listed in subdivision (2).**
27   **(4) If a political party did not have a candidate for secretary**
28   **of state in the last election or a nominee is an independent**
29   **candidate or ticket, the party or candidate is listed after the**
30   **parties described in subdivisions (1), (2), and (3).**
31   **(5) If more than one (1) political party or independent**
32   **candidate or ticket described in subdivision (4) qualifies to be**
33   **on the ballot, the parties, candidates, or tickets are listed in**
34   **the order in which the party filed its petition of nomination**
35   **under IC 3-8-6-12.**
36   **(6) The name of a write-in candidate may not be listed on the**
37   **ballot label.**
38   **(j) The names of the candidates grouped in the order established**
39   **by subsection (i) must be printed in type with uniform capital**
40   **letters, with a uniform space between each name. The name of the**
41   **candidate's political party, or the word "Independent", if the:**
42   **(1) candidate; or**

1   **(2) ticket of candidates for:**
2   **(A) President and Vice President of the United States; or**
3   **(B) governor and lieutenant governor;**
4 **is independent, must be placed immediately below or beside the**
5 **name of the candidate and must be printed in uniform size and**
6 **type.**
7   **(k) All the candidates of the same political party or independent**
8 **ticket for election to at-large seats on the fiscal or legislative body**
9 **of a political subdivision must be grouped together:**
10   **(1) under the name of the office that the candidates are**
11   **seeking;**
12   **(2) in the party order established by subsection (i); and**
13   **(3) within the political party or independent ticket, in**
14   **alphabetical order according to surname; and**
15 **a statement reading substantially as follows must be placed**
16 **immediately below the name of the office and above the name of**
17 **the first candidate: "Vote for not more than (insert the number of**
18 **candidates to be elected) candidate(s) of ANY party or ticket for**
19 **this office.".**
20   **(l) Candidates for election to at-large seats on the governing**
21 **body of a school corporation must be grouped:**
22   **(1) under the name of the office that the candidates are**
23   **seeking; and**
24   **(2) in alphabetical order according to surname; and**
25 **a statement reading substantially as follows must be placed**
26 **immediately below the name of the office and above the name of**
27 **the first candidate: "Vote for not more than (insert the number of**
28 **candidates to be elected) candidate(s) for this office.".**
29   **(m) The cautionary statement described in IC 3-11-2-7 must be**
30 **placed at the top or beginning of the ballot label before the first**
31 **office is listed.**
32   **(n) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),**
33 **and IC 3-11-2-10(d) may be:**
34   **(1) placed on the ballot label; or**
35   **(2) posted in a location within the voting booth that permits**
36   **the voter to easily read the instructions.**
37   **(o) The voting machine must include a lever for voting a straight**
38 **party or an independent ticket, and the lever must be identified by:**
39   **(1) the name of the political party or independent ticket; and**
40   **(2) immediately below or beside the political party's or**
41   **independent ticket's name, the device of that party or ticket**
42   **(described in IC 3-11-2-5).**

1   **The name and device of each political party or independent ticket**
2   **must be of uniform size and type and arranged in the order**
3   **established by subsection (i) for listing candidates under each**
4   **office. The instructions described in IC 3-11-2-10(b) for voting a**
5   **straight party ticket and the statement concerning presidential**
6   **electors required under IC 3-10-4-3 may be placed on the ballot**
7   **label or in a location that permits the voter to easily read the**
8   **instructions.**
9   **(p) A public question must be in the form described in**
10   **IC 3-11-2-15(a) and IC 3-11-2-15(b). Except as expressly**
11   **authorized or required by statute, a county election board may not**
12   **print a ballot label that contains language concerning the public**
13   **question other than the language authorized by a statute.**
14   **(q) The requirements in this section:**
15   **(1) do not replace; and**
16   **(2) are in addition to;**
17   **any other requirements in this title that apply to ballots for voting**
18   **machines.**
19   **(r) The procedure described in IC 3-11-2-16 must be used when**
20   **a ballot label does not comply with the requirements imposed by**
21   **this title or contains another error or omission that might result in**
22   **confusion or mistakes by voters.**
23   SECTION 21. IC 3-11-13-11 IS AMENDED TO READ AS
24   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** The ballot
25   information, whether placed on the ballot card or on the marking
26   device, ~~should as far as practicable~~ **must** be in the order of arrangement
27   provided for ballots under ~~IC 3-11-2. However, the ballot information~~
28   ~~may be in vertical or horizontal rows or in a number of separate pages.~~
29   ~~Ballot cards for all public questions must be provided in the same~~
30   ~~manner and must be arranged on or in the marking device in the places~~
31   ~~provided for that purpose.~~ **this section.**
32   **(b) Each county election board shall have the names of all**
33   **candidates for all elected offices, political party offices, and public**
34   **questions printed on a ballot card as provided in this chapter. The**
35   **county may:**
36   **(1) print all offices and questions on a single ballot card; and**
37   **(2) include a ballot variation code to ensure that the proper**
38   **version of a ballot is used within a precinct.**
39   **(c) Each type of ballot card must be of uniform size, of the same**
40   **quality and color of paper (except as permitted under**
41   **IC 3-10-1-17).**
42   **(d) The nominees of a political party or an independent**

candidate or ticket nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions must be placed at the beginning of separate columns.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed third after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or ticket, the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in

1   the order in which the party filed its petition of nomination
2   under IC 3-8-6-12.
3   **(6) A space for write-in voting is placed after the candidates**
4   **listed in subdivisions (1) through (5).**
5   **(7) The name of a write-in candidate may not be listed on the**
6   **ballot.**
7   **(h) The names of the candidates grouped in the order**
8 **established by subsection (g) must be printed in type with uniform**
9 **capital letters, with a uniform space between each name. The name**
10 **of the candidate's political party, or the word "Independent", if**
11 **the:**
12   **(1) candidate; or**
13   **(2) ticket of candidates for:**
14   **(A) President and Vice President of the United States; or**
15   **(B) governor and lieutenant governor;**
16 **is independent, must be placed immediately below or beside the**
17 **name of the candidate and must be printed in a uniform size and**
18 **type.**
19   **(i) All the candidates of the same political party or independent**
20 **ticket for election to at-large seats on the fiscal or legislative body**
21 **of a political subdivision must be grouped together:**
22   **(1) under the name of the office that the candidates are**
23   **seeking;**
24   **(2) in the order established by subsection (g); and**
25   **(3) within the political party or independent ticket, in**
26   **alphabetical order according to surname; and**
27 **a statement reading substantially as follows must be placed**
28 **immediately below the name of the office and above the name of**
29 **the first candidate: "Vote for not more than (insert the number of**
30 **candidates to be elected) candidate(s) of ANY party or ticket for**
31 **this office.".**
32   **(j) Candidates for election to at-large seats on the governing**
33 **body of a school corporation must be grouped:**
34   **(1) under the name of the office that the candidates are**
35   **seeking; and**
36   **(2) in alphabetical order according to surname; and**
37 **a statement reading substantially as follows must be placed**
38 **immediately below the name of the office and above the name of**
39 **the first candidate: "Vote for not more than (insert the number of**
40 **candidates to be elected) candidate(s) for this office.".**
41   **(k) The following information must be placed at the top of the**
42 **ballot before the first office is listed:**

  (1) The cautionary statement described in IC 3-11-2-7.
  (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),
   and IC 3-11-2-10(d).
 (l) The ballot must include a single connectable arrow, oval, or square, or a voting position for voting a straight party or an independent ticket by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:
  (1) the name of the political party or independent ticket; and
  (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).
The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.
 (m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.
 (n) The requirements in this section:
  (1) do not replace; and
  (2) are in addition to;
any other requirements in this title that apply to optical scan ballots.
 (o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.
 (p) This subsection applies to an optical scan ballot that does not list:
  (1) the names of political parties or candidates; or
  (2) the text of public questions;
on the face of the ballot. The ballot must be prepared in accordance

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1   **with this section, except that the ballot must include a numbered**
2   **oval to refer to each political party, candidate, or public question.**
3   **(q) This subsection:**
4   **(1) applies to a punch card ballot voting system; and**
5   **(2) expires December 31, 2005.**
6   **Except as otherwise provided in this chapter, a punch card ballot**
7   **must include a numbered box and chad in the locations and in the**
8   **layout specified by this section for connectable arrows, ovals, or**
9   **squares.**
10   SECTION 22. IC 3-11-13-31.7, AS AMENDED BY P.L.209-2003,
11   SECTION 161, IS AMENDED TO READ AS FOLLOWS
12   [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted
13   to comply with 42 U.S.C. 15481 by establishing uniform and
14   nondiscriminatory standards to define what constitutes a vote on an
15   optical scan voting system.
16   (b) After receiving ballot cards, a voter shall, without leaving the
17   room, go alone into one (1) of the booths or compartments that is
18   unoccupied and indicate:
19   (1) the candidates for whom the voter desires to vote by punching
20   a hole in or marking the **connectable arrows, ovals, or** squares
21   immediately beside:
22   **(A)** the candidates' names; **or**
23   **(B) the numbers referring to the candidates;** and
24   (2) the voter's preference on each public question by punching a
25   hole in or marking the **connectable arrow, oval, or** square
26   beside:
27   **(A)** the word "yes" or "no" under the question; **or**
28   **(B) the number referring to the word "yes" or "no" on the**
29   **ballot.**
30   (c) If an election is a general or municipal election and a voter
31   desires to vote for all the candidates of one (1) political party or group
32   of petitioners, the voter may punch a hole in or mark:
33   **(1)** the circle enclosing the device; ~~and beside the name under~~
34   ~~which the candidates of the party or group of petitioners are~~
35   ~~printed.~~ **or**
36   **(2) the connectable arrow, oval, or square described in section**
37   **13 of this chapter;**
38   **that designates the candidates of that political party or group of**
39   **petitioners.** The voter's vote shall then be counted for all the
40   candidates ~~under~~ **of** that ~~name.~~ **political party or group of petitioners.**
41   However, if the voter punches a hole in or marks the circle, **arrow,**
42   **oval, or square** of an independent ticket comprised of two (2)

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candidates, the vote shall not be counted for any other independent candidate on the ballot.

SECTION 23. IC 3-11-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The county election board shall furnish ballot labels **prepared as required by section 3.5 of this chapter.**

(b) The **county election** board shall have ~~them~~ **the ballot labels** printed:

(1) in black ink on clear white material;

(2) in the size that will fit on an electronic system; and

(3) in plain, clear type as space will reasonably permit.

SECTION 24. IC 3-11-14-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.**

(b) The county may:

(1) print all offices and questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or ticket nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate

columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed third after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or ticket, the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5).

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters, with a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the

name of the candidate and must be printed in uniform size and type.

    (i) All the candidates of the same political party or independent ticket for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

        (1) under the name of the office that the candidates are seeking;

        (2) in the party order established by subsection (g); and

        (3) within the political party or independent ticket, in alphabetical order according to surname; and

a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party or ticket for this office.".

    (j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

        (1) under the name of the office that the candidates are seeking; and

        (2) in alphabetical order according to surname; and

a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

    (k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

    (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

        (1) placed on the ballot label; or

        (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

    (m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket by one (1) touch, and the touch sensitive point or button must be identified by:

        (1) the name of the political party or independent ticket; and

        (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection

1   **(g) for listing candidates under each office. The instructions**
2   **described in IC 3-11-2-10(b) for voting a straight party ticket and**
3   **the statement concerning presidential electors required under**
4   **IC 3-10-4-3 may be placed on the ballot label or in a location within**
5   **the voting booth that permits the voter to easily read the**
6   **instructions.**
7   **(n) A public question must be in the form described in**
8   **IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive**
9   **point or button must be used instead of a square. Except as**
10   **expressly authorized or required by statute, a county election**
11   **board may not print a ballot label that contains language**
12   **concerning the public question other than the language authorized**
13   **by a statute.**
14   **(o) The requirements in this section:**
15   **(1) do not replace; and**
16   **(2) are in addition to;**
17   **any other requirements in this title that apply to ballots for**
18   **electronic voting systems.**
19   **(p) The procedure described in IC 3-11-2-16 must be used when**
20   **a ballot label does not comply with the requirements imposed by**
21   **this title or contains another error or omission that might result in**
22   **confusion or mistakes by voters.**
23   SECTION 25. IC 3-11-14-10 IS AMENDED TO READ AS
24   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Each county
25   election board shall, before election day, have the proper ballot labels
26   **prepared as required by section 3.5 of this chapter and** put on each
27   electronic voting system. ~~with the device named and the list of~~
28   ~~candidates of each political party or independent candidate or ticket in~~
29   ~~the same order as on the sample ballot.~~
30   SECTION 26. IC 3-11-14-12 IS AMENDED TO READ AS
31   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In school
32   district elections, the county election board shall arrange the names of
33   candidates in alphabetical order on an electronic voting system ~~in such~~
34   ~~a way that the name of each candidate appears in the same column of~~
35   ~~each system used in each precinct~~ **as required by section 3.5 of this**
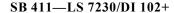36   **chapter.**
37   SECTION 27. IC 3-11-14-23, AS AMENDED BY P.L.209-2003,
38   SECTION 162, IS AMENDED TO READ AS FOLLOWS
39   [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted
40   to comply with 42 U.S.C. 15481 by establishing uniform and
41   nondiscriminatory standards to define what constitutes a vote on an
42   electronic voting system.

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(b) If a voter is not challenged by a member of the precinct election
board, the voter may pass the railing to the side where an electronic
voting system is and into the voting booth. There the voter shall register
the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching
a device on or in the squares immediately above the candidates'
names;

(2) if the voter intends to cast a write-in vote, a write-in vote by
touching a device on or in the square immediately below the
candidates' names and printing the name of the candidate in the
window provided for write-in voting; and

(3) the voter's preference on each public question by touching a
device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter
desires to vote for all the candidates of one (1) political party or group
of petitioners, the voter may cast a straight party ticket by touching that
party's device. The voter's vote shall then be counted for all the
candidates under that name. However, if the voter casts a vote by
touching the circle of an independent ticket comprised of two (2)
candidates, the vote shall not be counted for any other independent
candidate on the ballot.

(d) **After December 31, 2005,** as provided by 42 U.S.C. 15481, a
voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and an independent manner the
votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any
error in a private and independent manner before the ballot is cast
and counted, including the opportunity to receive a replacement
ballot if the voter is otherwise unable to change or correct the
ballot; and

(3) notified before the ballot is cast regarding the effect of casting
multiple votes for the office and provided an opportunity to
correct the ballot before the ballot is cast and counted.

SECTION 28. IC 3-12-1-9.5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This
section applies to counting votes cast on ballot cards.

(b) As used in this section, "chad" means the part of a ballot card
that indicates a vote on the card when entirely punched out by the
voter.

(c) **(b)** A chad that has been pierced, but not entirely punched out of
the card, shall be counted as a vote for the indicated candidate or for
the indicated response to a public question.

1   (d) **(c)** A chad that has been indented, but not in any way separated
2   from the remainder of the card, may not be counted as a vote for a
3   candidate or on a public question.
4   (c) **(d)** Whenever:
5   (1) a ballot card contains a numbered box indicating which chad
6   should be punched out by the voter to cast a vote for a candidate
7   or on a public question;
8   (2) the indicated chad has not been punched out; and
9   (3) a hole has been made in the card that touches any part of the
10   numbered box;
11 the hole shall be counted as a vote for the candidate or on the public
12 question as if the indicated chad had been punched out. However, if a
13 hole has been made in the ballot that does not touch a numbered box
14 or punch out a chad, the hole may not be counted as a vote for a
15 candidate or on a public question.
16   (f) **(e)** Whenever:
17   (1) a chad has been punched out of a ballot card;
18   (2) a numbered box indicates that another chad may be punched
19   out to cast a vote for:
20   (A) a different candidate for the same office as the candidate
21   for whom a vote was cast under subdivision (1); or
22   (B) a different response to the same public question on which
23   a vote was cast under subdivision (1); and
24   (3) a hole has been punched in the card that touches the numbered
25   box described in subdivision (2);
26 neither the chad described in subdivision (1) nor the hole described in
27 subdivision (3) may be counted as a vote for a candidate or on a public
28 question.
29   (g) **(f)** This subsection applies to a ballot card that:
30   (1) has been cast in a precinct whose votes are being recounted by
31   a local recount commission or the state recount commission;
32   (2) is damaged or defective so that it cannot properly be counted
33   by automated tabulating machines; and
34   (3) cannot be counted for the office subject to the recount due to
35   the damage or defect.
36 The ballot card shall be remade only if the conditions in subdivisions
37 (1) through (3) exist.
38   **(g) Subsections (b) through (e) expire December 31, 2005.**
39   SECTION 29. IC 20-4-1-26.4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. (a) This
41 section applies to each school corporation, whenever created.
42   (b) If a plan provides for the election of members of the board of

1   school trustees of the community school corporation at a primary
2   election, at the time provided by IC 3-8-2 for the filing of notice of
3   candidacies for the primary election next following the creation of the
4   community school corporation, nominations for members of the board
5   of school trustees of the community school corporation may be made
6   by a petition signed by the candidates and ten (10) registered voters
7   residing within the boundaries of the community school corporation.
8   (c) A petition must be filed with the circuit court clerk of the county
9   that contains the greatest percentage of population of the school
10 corporation. If the plan requires residence in a specified district or
11 voting solely in a specified district for a board member office, the
12 petition must clearly state the residence or electoral district from or for
13 which the person is a candidate. If a school corporation is located in
14 more than one (1) county, the circuit court clerk shall, after determining
15 that a petition complies with subsection (b), promptly certify to each
16 circuit court clerk of a county in which the school corporation is
17 located, the names of the candidates to be placed on the ballot.
18   (d) If a plan provides for an election of members of the board of
19 school trustees at a general election, the filing of notice of candidates
20 must be made in the manner provided for filing at primary elections
21 under this section. The filing must be made within the same period of
22 time before the general election as would have been required before the
23 primary election had the election been held at the latter time.
24   (e) All nominations shall be listed for each office in the form
25 prescribed by IC 3-10-1-19 or ~~IC 3-11-2,~~ **IC 3-11,** but without party
26 designation. Voting and tabulation of votes shall be conducted in the
27 same manner as voting and tabulation in primary elections are
28 conducted. The precinct election boards serving at each primary
29 election in each county shall conduct the election for school board
30 members. If a school corporation is located in more than one (1)
31 county, each county election board shall print the ballots required for
32 voters in that county to vote for candidates for members of the board of
33 school trustees of the school corporation.
34   (f) If the plan provides that the board of school trustees shall be
35 elected by all the voters of the community school corporation,
36 candidates shall be placed on the ballot in the form prescribed by
37 IC 3-10-1-19 or ~~IC 3-11-2,~~ **IC 3-11,** without party designation.
38 Candidates elected shall be those having the greatest number of votes.
39   (g) If the plan provides that members of the board of school trustees
40 are to be elected from residence districts by all voters in the community
41 school corporation, nominees for the board of school trustees shall be
42 placed on the ballot in the form prescribed by IC 3-10-1-19 or

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1 ~~IC 3-11-2,~~ **IC 3-11,** by residence districts without party designation.
2 The ballot must state the number of members to be voted upon and the
3 maximum number that may be elected from each residence district as
4 provided in the plan. A ballot is not valid where more than the
5 maximum number are voted upon from a board member residence
6 district. Candidates having the greatest number of votes are elected.
7 However, if more than the maximum number that may be elected from
8 a residence district are among those having the greatest number of
9 votes, the lowest of those candidates from the residence districts in
10 excess of the maximum number shall be eliminated in determining the
11 candidates who are elected.
12 　　(h) If the plan provides that members of the board of school trustees
13 are to be elected from electoral districts solely by the voters of each
14 district, nominees residing in each electoral district shall be placed on
15 the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2,~~ **IC 3-11,**
16 without party designation. The ballot must state the number to be voted
17 on from the electoral district. Candidates residing in the electoral
18 district having the greatest number of votes are elected.
19 　　SECTION 30. IC 33-2.1-2-6, AS AMENDED BY P.L.202-1999,
20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 6. (a) Justices and judges of the supreme court
22 and the court of appeals shall be approved or rejected by the electorate
23 of the state pursuant to Article 7, Section 11 of the Constitution of the
24 State of Indiana.
25 　　(b) A justice or judge who wishes to be retained in office shall file
26 a statement with the secretary of state, not later than noon July 15 of the
27 year in which the question of retention of the justice or judge is to be
28 placed on the general election ballot, indicating that the justice or judge
29 wishes to have the question of the justice's or judge's retention placed
30 on the ballot. The justice's or judge's statement must include a
31 statement of the justice's or judge's name as:
32 　　　　(1) the justice or judge wants the justice's or judge's name to
33 　　　　appear on the ballot; and
34 　　　　(2) the candidate's name is permitted to appear on the ballot under
35 　　　　IC 3-5-7.
36 　　(c) This subsection applies to a justice or judge:
37 　　　　(1) who does not file a statement under subsection (b); and
38 　　　　(2) whose term expires under Article 7, Section 11 of the
39 　　　　Constitution of the State of Indiana during the year in which the
40 　　　　question of the retention of the justice or judge would have been
41 　　　　placed on the general election ballot.
42 The term of a justice or judge expires December 31 of the year in

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1 which the question of the justice's or judge's retention would have been
2 placed on the ballot.
3   (d) This subsection applies to a justice or judge:
4   (1) who files a statement under subsection (b); and
5   (2) whose retention is rejected by the electorate.
6 The term of a justice or judge ends when the secretary of state issues
7 a certificate under IC 3-12-5-1 stating that the justice or judge has been
8 removed. However, if the justice or judge has filed a petition for a
9 recount under IC 3-12-11, the term of the justice or judge does not end
10 until the state recount commission has issued a certificate under
11 IC 3-12-11-18 stating that the electorate has rejected the retention of
12 the justice or judge.
13   (e) The question of approval or rejection of a justice or judge shall
14 be placed on the general election ballot in the form prescribed by
15 ~~IC 3-11-2~~ **IC 3-11** and must state "Shall Judge or Justice (insert name
16 (as permitted under IC 3-5-7) here) be retained in office?".
17   (f) The statement filed under subsection (b) must include a
18 statement that the judge or justice requests the name on the judge's or
19 justice's voter registration record be the same as the name the judge or
20 justice uses on the statement. If there is a difference between the name
21 on the judge's or justice's statement and the name on the judge's or
22 justice's voter registration record, the officer with whom the statement
23 is filed shall forward the information to the voter registration officer of
24 the appropriate county as required by IC 3-5-7-6(e). The voter
25 registration officer of the appropriate county shall change the name on
26 the judge's or justice's voter registration record to be the same as the
27 name on the judge's or justice's statement.
28   SECTION 31. IC 33-4-4-1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A judge of
30 the circuit court shall be elected under IC 3-10-2-11 by the voters of
31 each circuit.
32   (b) In any circuit for which IC 33-4-1 provides more than one (1)
33 judge of the circuit court, the county election board shall assign a
34 number to each seat on the court. After that, any candidate for judge of
35 the circuit court must file a declaration of candidacy under IC 3-8-2 or
36 petition of nomination under IC 3-8-6 for one (1) specified seat of the
37 court. Each seat on the court shall be listed separately on the election
38 ballot in the form prescribed by IC 3-10-1-19 and ~~IC 3-11-2.~~ **IC 3-11.**
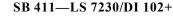39   SECTION 32. IC 33-5-5.1-29.1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.1. (a) All
41 candidates for each respective Allen superior court judgeship shall be
42 listed on the general election ballot in the form prescribed by

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1 ~~IC 3-11-2,~~ **IC 3-11,** without party designation. The candidate receiving
2 the highest number of votes for each judgeship shall be elected to that
3 office.
4   (b) IC 3, except where inconsistent with this chapter, applies to
5 elections held under this chapter.
6   (c) The term of each Allen superior court judge:
7   (1) begins January 1 following election and ends December 31
8   following the election of a successor; and
9   (2) is six (6) years.
10   SECTION 33. IC 33-5-29.5-42 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) The
12 question of the retention in office or rejection of each judge of the
13 following divisions of the superior court of Lake County shall be
14 submitted to the electorate of Lake County at the general election
15 immediately preceding expiration of the term of such judge:
16   (1) Civil division.
17   (2) Criminal division.
18   (3) Juvenile division.
19   (b) At such general election the question of the retention in office
20 or rejection of a judge described in subsection (a) shall be submitted to
21 the electorate of Lake County in the form prescribed by ~~IC 3-11-2~~
22 **IC 3-11** and must state "Shall Judge (insert name) of the superior court
23 of Lake County be retained in office for an additional term?".
24   (c) If that a majority of the ballots cast by the electors voting on any
25 such question shall be "Yes", the judge whose name appeared on such
26 question shall be approved for a six (6) year term commencing on
27 January 1 following the general election as provided in section 41(b)
28 of this chapter.
29   (d) If that a majority of the ballots cast by the electors voting on any
30 such question shall be "No", the judge whose name appeared on such
31 question shall be rejected. The office of the rejected judge shall be
32 vacant on January 1 following the rejection. The vacancy shall be filled
33 by appointment by the governor pursuant to section 39 of this chapter.
34   (e) The Lake County election board shall submit the question of the
35 retention in office or rejection of a judge described in subsection (a) to
36 the electorate of Lake County. The submission of the question is
37 subject to the provisions of IC 3 that are not inconsistent with this
38 chapter.
39   (f) If a judge who is appointed does not desire to serve any further
40 term, the judge shall notify in writing the clerk of the Lake circuit court
41 at least sixty (60) days prior to any such general election, in which case
42 the question of that judge's retention in office or rejection shall not be

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1   submitted to the electorate, and the office shall become vacant at the

2   expiration of the term.

3   SECTION 34. IC 33-5-40-47 IS AMENDED TO READ AS

4   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47. (a) The

5   question of the retention in office or rejection of each judge of the St.

6   Joseph superior court shall be submitted to the electorate of St. Joseph

7   County at the general election immediately preceding expiration of the

8   term of that judge.

9   (b) In the event that any judge subject to this chapter does not desire

10   to serve a further term, the judge shall so notify in writing the clerk of

11   the St. Joseph circuit court at least sixty (60) days prior to the general

12   election immediately preceding expiration of the judge's term in which

13   case the question of the judge's retention in office or rejection shall not

14   be submitted to the electorate and the office shall be vacant at the

15   expiration of the term.

16   (c) The St. Joseph County election board shall submit the question

17   of the retention in office or rejection of any judge to the electorate of

18   St. Joseph County. The submission of this question shall be subject to

19   the provisions of IC 3 that are not inconsistent with this chapter.

20   (d) At the general election the question of the retention in office or

21   rejection of a judge shall be submitted to the electorate of St. Joseph

22   County in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state

23   "Shall Judge (insert name) of the St. Joseph superior court be retained

24   in office for an additional term?".

25   (e) In the event that a majority of the ballots cast by the electors

26   voting on any such question shall be "No", the judge whose name

27   appeared on such question shall be rejected. The office of the rejected

28   judge shall be vacant on January 1 following the rejection. The vacancy

29   shall be filled by appointment of the governor pursuant to section 44 of

30   this chapter. The name of the rejected judge shall not be included

31   among those submitted to the governor. However, the judge's rejection

32   shall not disqualify a rejected judge from being considered for another

33   judicial office then vacant or thereafter becoming vacant.

34   SECTION 35. IC 33-5-43.2-1, AS AMENDED BY P.L.176-1999,

35   SECTION 129, IS AMENDED TO READ AS FOLLOWS

36   [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The judge of the

37   Vanderburgh circuit court and each of the seven (7) judges of the

38   Vanderburgh superior court shall be elected in nonpartisan elections

39   every six (6) years.

40   (b) During the period under IC 3-8-2-4 in which a declaration of

41   candidacy may be filed for a primary election, any person desiring to

42   become a candidate for any one of the eight (8) judgeships affected by

1   this chapter shall file with the election division a declaration of
2   candidacy adapted from the form prescribed under IC 3-8-2, signed by
3   the candidate and designating on the declaration which judgeship the
4   candidate seeks. Any petition without such designation shall be
5   rejected by the election division (or by the Indiana election commission
6   under IC 3-8-1-2). To be eligible for election, a candidate must be:
7   (1) domiciled in the county of Vanderburgh;
8   (2) a citizen of the United States; and
9   (3) admitted to the practice of law in this state.
10   (c) If an individual who files a declaration under subsection (b)
11   ceases to be a candidate after the final date for filing a declaration
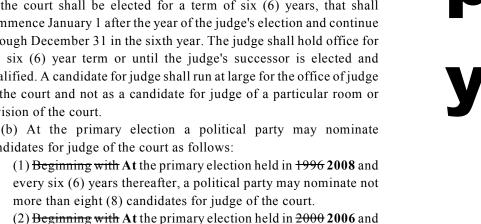12   under subsection (b), the election division may accept the filing of
13   additional declarations of candidacy for that judgeship not later than
14   noon August 1.
15   (d) All candidates for each respective judgeship shall be listed on
16   the general election ballot in the form prescribed by ~~IC 3-11-2,~~
17   **IC 3-11,** without party designation. The candidate receiving the highest
18   number of votes for each judgeship shall be elected to that office.
19   (e) IC 3, where not inconsistent with the provisions of this chapter,
20   applies to elections under this chapter.
21   SECTION 36. IC 33-5.1-2-8 IS AMENDED TO READ AS
22   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Each judge
23   of the court shall be elected for a term of six (6) years, that shall
24   commence January 1 after the year of the judge's election and continue
25   through December 31 in the sixth year. The judge shall hold office for
26   the six (6) year term or until the judge's successor is elected and
27   qualified. A candidate for judge shall run at large for the office of judge
28   of the court and not as a candidate for judge of a particular room or
29   division of the court.
30   (b) At the primary election a political party may nominate
31   candidates for judge of the court as follows:
32   (1) ~~Beginning with~~ **At** the primary election held in ~~1996~~ **2008** and
33   every six (6) years thereafter, a political party may nominate not
34   more than eight (8) candidates for judge of the court.
35   (2) ~~Beginning with~~ **At** the primary election held in ~~2000~~ **2006** and
36   every six (6) years thereafter, a political party may nominate not
37   more than nine (9) candidates for judge of the court.
38   The candidates shall be voted on at the general election. Other
39   candidates may qualify under IC 3-8-6 to be voted on at the general
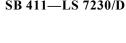40   election.
41   (c) The names of the party candidates nominated and properly
42   certified to the Marion County election board, along with the names of

1   other candidates who have qualified, shall be placed on the ballot at the
2   general election in the form prescribed by ~~IC 3-11-2.~~ **IC 3-11.** All
3   persons eligible to vote at the general election may vote for candidates
4   for judge of the court as follows:
5   (1) ~~Beginning with~~ **At** the ~~1996~~ **2008** general election and every
6   six (6) years thereafter, for fifteen (15) candidates for judge of the
7   court.
8   (2) ~~Beginning with~~ **At** the ~~2000~~ **2006** general election and every
9   six (6) years thereafter, for seventeen (17) candidates for judge of
10   the court.
11 (d) The candidates for judge of the court receiving the highest
12 number of votes shall be elected to the vacancies. The names of the
13 candidates elected as judges of the court shall be certified to the county
14 election board as provided by law.
15   SECTION 37. IC 33-10.5-4-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The number
17 of county court judges required by IC 33-10.5-1 shall be elected under
18 IC 3-10-2-11 by the voters of each county or by the voters of two (2)
19 counties if a judge is required to serve two (2) counties. The term of
20 office of a county court judge is six (6) years, beginning on January 1
21 after election and continuing until a successor is elected and qualified.
22   (b) In any county for which IC 33-10.5-1 provides more than one (1)
23 judge of the county court, the county election board shall assign a
24 number to each division of the court. After that, any candidate for judge
25 of the county court must file a declaration of candidacy under IC 3-8-2
26 or petition of nomination under IC 3-8-6 for one (1) specified division
27 of the court. Each division of the court shall be listed separately on the
28 election ballot in the form prescribed by IC 3-10-1-19 and ~~IC 3-11-2.~~
29 **IC 3-11.**
30   SECTION 38. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 411, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "Sec. 8.7." insert "**(a)**".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"**(b) This section expires December 31, 2005.**".

Page 2, line 15, delete "," and insert "**or (d),**".

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"**(d) This subsection applies to an optical scan ballot card voting system that does not list the name of a candidate on the ballot card. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the optical scan ballot card.**".

Page 2, line 23, delete "(d)" and insert "**(e)**".

Page 3, line 2, after "column." insert "**For optical scan ballots that do not contain a candidate's name, print: To vote for a person, shade in the oval that precedes the number assigned to the person's name in the proper column.**".

Page 3, line 4, delete "spot" and insert "**location**".

Page 6, line 31, after "the ballot" insert ".".

Page 6, line 31, strike "if paper ballots or a ballot card voting".

Page 6, strike line 32.

Page 6, line 33, strike "used, in the first column or row.".

Page 6, line 36, after "column" insert ".".

Page 6, line 36, strike "or row."

Page 7, line 6, delete "a" and insert "**an optical scan**".

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 13. IC 3-10-4-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. (a) This section applies when a punch card ballot is used.**

(b) A chad must be printed immediately opposite the number assigned to the names of the nominees for President and Vice President of the United States for each political party or group of petitioners as described in section 1(b)(4) of this chapter.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.

(d) This section expires December 31, 2005.".

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Page 8, between lines 15 and 16, begin a new paragraph and insert:
"(c) This chapter does not apply to:
    (1) a voting machine; or
    (2) a punch card ballot voting system.
This subsection expires December 31, 2005.".

Page 17, between lines 12 and 13, begin a new paragraph and insert:
"(p) This subsection applies to an optical scan ballot that does not list:
    (1) the names of political parties or candidates; or
    (2) the text of public questions;
on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered oval to refer to each political party, candidate, or public question.
    (q) This subsection:
    (1) applies to a punch card ballot voting system; and
    (2) expires December 31, 2005.
Except as otherwise provided in this chapter, a punch card ballot must include a numbered box and chad in the locations and in the layout specified by this section for connectable arrows, ovals, or squares.

SECTION 22. IC 3-11-13-31.7, AS AMENDED BY P.L.209-2003, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by punching a hole in or marking the **connectable arrows, ovals, or** squares immediately beside:

    (A) the candidates' names; **or**

    (B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by punching a hole in or marking the **connectable arrow, oval, or** square beside:

    (A) the word "yes" or "no" under the question; **or**

    (B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter

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desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may punch a hole in or mark:

(1) the circle enclosing the device; ~~and beside the name under which the candidates of the party or group of petitioners are printed.~~ **or**

(2) the connectable arrow, oval, or square described in section 13 of this chapter;

that designates the candidates of that political party or group of petitioners. The voter's vote shall then be counted for all the candidates ~~under~~ **of** that ~~name.~~ **political party or group of petitioners.** However, if the voter punches a hole in or marks the circle, **arrow, oval, or square** of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.".

Page 21, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 26. IC 3-11-14-23, AS AMENDED BY P.L.209-2003, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

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(d) **After December 31, 2005,** as provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:

> (1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;
>
> (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
>
> (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.".

Page 22, between lines 8 and 9, begin a new paragraph and insert:

"(g) Subsections (b) through (e) expire December 31, 2005.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 411 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 5, Nays 1.

C o p y